

Appl. No. : 09/310,294
Amendment Dated : June 9, 2004
Reply to Office Action faxed: September 5, 2003

Atty. Docket No. 111283.137 US2

REMARKS

Telephone Interview with Examiner Arani

Applicants' representatives thank Examiner Arani for the telephone interview conducted November 5, 2003. Applicants' representatives explained that they are in the process of preparing a responsive reply to the outstanding Office Action, sent by facsimile on September 5, 2003. Applicants' representatives further inquired as to the reason why only claims 1-20 were examined in the Office Action, and claims 21-42, which were presented in "Second Preliminary Amendment" filed September 22, 2000, were not examined. Examiner Arani replied that the latter claims were probably not examined due to confusion during prosecution of the case. It was agreed that Applicants would address all claims, including claims 21-42 with their reply to the Office Action.

Formalities and Status of the Claims

Claims 1-42 are pending in this application. Claims 1-20 were rejected in the Office Action sent by facsimile on September 5, 2003, and claims 21-42 were not examined as explained above. Claims 1, 6, 12, 40, and 41 have been amended. No new matter is being introduced by the present amendment.

Claims 1-20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Auerbach (U.S. Patent No. 5,673,316), and further in view of Downs (U.S. Patent No. 6,226,618). Applicants respectfully traverse this rejection as explained below.

Rejections in View of the Cited References

Auerbach discloses a system including a user PC 101 and a document server (DS) 100 and a buy server (BS) 102. The document server provides a cryptographic envelope (cryptolope) to the user PC. The cryptographic envelope includes the document part which is the media content of the cryptographic envelope "document parts are the 'contents'" (Auerbach Column 4, Lines 4-5). "Encrypted document parts 203 are often the 'valuable contents' to be purchased by the user" (Auerbach Column 4, Lines 10-11). Unencrypted parts are also provided to the user in

the form of “teasers” 201, which contain preview data intended to allow the user to sample or browse the contents of the document parts of the cryptographic envelope before purchasing.

Control parts are also provided in the cryptographic envelope. “Control parts are the metadata needed to support the functions and the process model of a cryptographic envelope” (Auerbach Column 4, Lines 25-27). The control parts provide authentication and confidentiality. “Authentication function is achieved by using digital signatures. The confidentiality function is achieved by encryption.” (Auerbach Column 4, Lines 29-31).

Auerbach’s paradigm involves sending cryptographic envelopes, including the valuable data therein, to one of a large number of users who are hoped to purchase the contents of the cryptographic envelopes once they have previewed the teaser content of the cryptographic envelope. A user sends a buy request to the buy server which provides the user with a buy server response (BSR) to allow the user to view the data content of the cryptographic envelope. “The BSR is the ‘key’ to unlock the cryptographic envelope” (Auerbach Column 10, Lines 45-46).

In other words, the system and method of Auerbach involves first sending the content to the user, then having the user request and receive a key to unlock or decrypt the encrypted content. Auerbach does not disclose having clients receive location information of content from a server prior to retrieving said content. Rather, in marked contrast, the paradigm used in Auerbach pushes the content to the users and then allows the users to obtain decryption keys for unlocking the content.

Downs discloses a secure method of delivering data to a user. The security is provided using encryption and encryption keys provided to the user, based on public keys and private keys. (Downs Fig. 1A et seq.). In Downs, an accidental or malicious discovery of a user’s private key would provide access to the entire contents of the software clearinghouse.

Applicants’ claims distinguish over Auerbach and Downs. In particular, the cited references do not provide the claimed system and method for delivering content to a client responsive to the claimed steps of obtaining and using the location identifier to receive unexecutable portions of the title and process said portions into executable form. The paradigm of the cited references calls for delivery of encrypted content to the user and *then* unlocking the encrypted content using a key the user obtains from a server.

Furthermore, Applicants disagree with the Examiner's assertion that Downs provides a missing URL ID element. Downs' alleged URL ID element is provided within an encrypted package, thus it cannot be used to open the package, as its nature is unknown until decrypted.

Each of Applicants' independent claims 1, 6, 11, 21, 33, and 40 patentably distinguish over the cited references. Specifically, regarding amended claim 1, the references lack the claimed steps of using a location identifier as well as obtaining and using data unique to the title to process the title into executable form at the client. The sequencing of the steps in the references makes it impossible to do so, as will be explained above. The same could be said for the system of Applicants' amended claim 6. Claims 1 and 6 also recite using data unique to the title in processing the data into executable form, which is different from using a key that can unlock a plurality of titles as in Downs. Applicants' dependent claims distinguish over the references for at least the same reasons as given for the independent claims. For example, time-dependent and restricted use of the information to process the title as claimed are not disclosed in the references.

Applicants' claim 11 stands on its own, and the Examiner's assertion at paragraph 8 of the Office Action requires clarification or validation. In any case, Applicants maintain that the claim is patentable over the cited references, as the references lack at least the recited authentication logic responsive to a token received from the client, the data uniquely identifying one of the stored titles, and the activator logic of the claim.

Claims 21 et seq. were duly presented in an earlier paper as discussed above, but were accidentally not examined as far as Applicants understand. The claims include several of the distinguishing features discussed previously, as well as others that render the claims patentable over the cited references.

CONCLUSION

The present application and all claims therein are believed to be in condition for allowance. An early and favorable response to this paper is hereby earnestly solicited. If any issues remain outstanding, the Examiner is urged to contact the applicants' representatives at the telephone number listed below.

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Applicants hereby request that the period for responding to the outstanding Office Action be extended for three months' time. The Commissioner is hereby authorized to charge the required fee of \$475.00 for filing the request for extension of time to our Deposit Account No. 08-0219. If any other fees or credits accrue, please charge or credit such fees to Deposit Account 08-0219.

Respectfully submitted,

For Applicants

Date: June 9, 2004

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